

Claims 1-2 were rejected as anticipated by DEAN 5,885,644, claim 1 was rejected as anticipated by ALESSI 5,565,233, claim 1 was rejected as anticipated by MONARI FEDERZONI and claim 1 was also rejected as anticipated by the Balsamic Soy Sauce nad Balsamic Glazing Sauce produced by American Culinary Gardens as described on the America Culinary Gardens web site copyright 1998-2001. Claims 3-9 were rejected as unpatentable over DEAN in view of FREEMAN 5,221,550. The new claims are believed to avoid these rejections and reconsideration and withdrawal of the rejections are respectfully requested.

The new claims are directed to an embodiment of the sauce that includes at least 40% balsamic vinegar of Modena, a thickening agent and a sugar.

Balsamic vinegar, in particular balsamic vinegar from Modena, is different from normal wine vinegars obtained from fermentation of wine. Modena balsamic vinegar is produced by a different process, is matured differently, and uses different ingredients. Very briefly, balsamic vinegar is made only from must (never from wine) which is boiled and matured using age-old techniques, without addition of different substances. This causes the sugar fermentation which leads to vinegar. Further, although commonly called a vinegar, balsamic vinegar is in fact more properly termed a condiment.

Balsamic vinegar from Modena has a very intense taste and is used in the preparation of various sauces, such as those

described in the prior art cited in the Official Action. It is always used in relatively sparing quantities because of its very intense taste.

The above-cited documents include only very small quantities of balsamic vinegar, and are typically used as a flavoring. Furthermore, the American Culinary Gardens provides a sweetened and flavored vinegar which is very different to the balsamic sauce claimed herein. ALESSI teaches using a white vinegar, while Modena balsamic vinegar is always very dark brown with a balsamic flavor. The only reference to Modena is that the white wine vinegar (not balsamic vinegar) and the must used come from Modena. This is not the same as Modena balsamic vinegar.

Indeed, none of the references use Modena balsamic vinegar to any great percentage and specifically not anywhere near the 40% claimed in claim 1. The inventors have found that by adding the thickening agents and sugar, they are able to soften the very intense taste of the balsamic vinegar of Modena. In view of this, reconsideration and withdrawal of the rejections are respectfully requested.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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ABSTRACT OF THE DISCLOSURE

A sauce for alimentary use containing, as main ingredient, balsamic vinegar of Modena, combined with thickening agents and sugars. The balsamic sauce offers the advantage of imparting the taste of vinegar directly to those foods, on which regular balsamic vinegar of Modena is not suitable for its high level of acidity and its high fluidity.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

ABSTRACT OF THE DISCLOSURE

The Abstract of the Disclosure has been amended as follows:

A sauce for alimentary use containing, as main ingredient, balsamic vinegar of Modena, combined with thickening agents and sugars. The balsamic sauce [according to the invention] offers the advantage of imparting the taste of vinegar directly to those foods, on which regular balsamic vinegar of Modena is not suitable for its high level of acidity and its high fluidity.

IN THE SPECIFICATION:

Page 4, Examples 8, 9 and 10 have been amended as

follows:

--Example 8

Balsamic vinegar of Modena

[salted base

List of ingredients:] with a salted base includes: balsamic vinegar of Modena, sugar, dehydrated glucose syrup, dextrose, lactose, maltodextrin, modified starch, xanthan gum as stabilizer.

Example 9

[Sweet base]

Balsamic vinegar of Modena

[Water

List of ingredients:] with a sweet base includes: balsamic vinegar of Modena, sugar, dextrose, lactose, dehydrated glucose syrup, maltodextrin, water, modified starch[, xanthan gum as stabilizer].

Example 10

[Flavouring base]

Balsamic vinegar of Modena

[Water

Flavouring preparation, taste of fish

List of ingredients:] with a fish flavoring includes: balsamic vinegar of Modena, sugar, lactose, water, salt, yeast extract in powder, dehydrated glucose syrup, maltodextrin, monosodic glutamate as taste enhancer, modified starch, flavours, powdered crustaceans (crayfish, crabs), xanthan gum as stabilizer.--.

Page 5, Examples 11, 12 and 13 have been amended as

follows:

--Example 11

[Flavouring base]

Balsamic vinegar of Modena

[Water

Flavouring preparation, taste of meat

List of ingredients:] with a meat flavoring includes: balsamic vinegar of Modena, sugar, lactose, water, salt, yeast extract in powder, dehydrated glucose syrup, maltodextrin, monosodic glutamate as taste enhancer, modified starch, aromas, xanthan gum as stabilizer.

Example 12

[Flavouring base

Balsamic] Another embodiment of the flavored balsamic vinegar of Modena

[Water

Flavouring base, list of ingredients:] includes: balsamic vinegar of Modena, sugar, lactose, water, salt, yeast extract in powder, dehydrated glucose syrup, maltodextrin, monosodic glutamate as taste enhancer, aromas, modified starch, xanthan gum as stabilizer.

Example 13

[Flavouring base

Balsamic] Yet another embodiment of the flavored balsamic vinegar of Modena

[Water

Flavouring base, list of ingredients:] includes: balsamic vinegar of Modena, sugar, lactose, water, salt, yeast extract in powder, dehydrated glucose syrup, maltodextrin, monosodic glutamate as taste enhancer, modified starch, flavours, xanthan

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gum as stabilizer.--.